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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) 2:20-MJ-00157-JDP
12)
Plaintiff,) STIPULATION AND ORDER
13) CONTINUING PRELIMINARY
v.) HEARING DATE
14)
BILLY PAUL DUNN,)
15) Judge: Hon. Jeremy D. Peterson
Defendant.)
16)
17)

18 **STIPULATION**

19 The United States, by and through its undersigned counsel, and the defendant, by
20 and through his counsel of record, hereby stipulate as follows:

- 21 1. By prior order, this matter was set for Preliminary Hearing on November 4, 2020.
22 2. By this Stipulation, the parties now move to continue the Preliminary Hearing until
23 December 3, 2020, at 2:00 p.m.
24 3. The defendant made his initial appearance on October 21, 2020. The Preliminary
25 Hearing was set for November 4, 2020.
26 4. The defendant is presently in custody pending trial in this matter.

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- 1 5. The parties have discussed potential pre-indictment resolution of this matter. The
2 parties need further time to discuss this matter, research issues related to the
3 defendant's criminal history, discuss any potential consequences, and to allow
4 counsel for the defendant reasonable time necessary for preparation and further
5 investigation.
- 6 6. The defendant understands that pursuant to 18 U.S.C. § 3161(b), "any information
7 or indictment charging an individual with the commission of an offense shall be
8 filed within thirty days from the date on which such individual was arrested." Time
9 may be excluded under the Speedy Trial Act if the Court finds that the ends of
10 justice served by granting such a continuance outweigh the best interests of the
11 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The parties
12 jointly move to exclude time within which any indictment or information shall be
13 filed from the date of this order, through and including December 3, 2020, pursuant
14 to 18 U.S.C. § 3161(h)(7)(B)(iv), because failure to do so would "deny counsel for the
15 defendant . . . the reasonable time necessary for effective preparation, taking into
16 account the exercise of due diligence."
- 17 7. Good cause exists under Rule 5.1(d) of the Federal Rules of Criminal Procedure.

18 **IT IS SO STIPULATED.**

19
20 DATED: October 27, 2020

/s/ Justin L. Lee
JUSTIN L. LEE
Assistant U.S. Attorney

22 DATED: October 27, 2020

/s/ Benjamin D. Galloway
BENJAMIN D. GALLOWAY
Attorney for Billy Paul Dunn
(as authorized on October 23, 2020)

ORDER

IT IS SO FOUND AND ORDERED, this 27 day of October, 2020.


UNITED STATES MAGISTRATE JUDGE